



GWASANAETH  
LLYSOEDD EI MAWRHYDI  
**hmcs**  
HER MAJESTY'S  
COURTS SERVICE

**EX303**

Mae hawliad wedi'i wneud yn fy erbyn i -  
beth ddylwn i wneud?

Mae hawliad wedi'i  
wneud yn fy erbyn i

Beth ddylwn i wneud?

[www.gwasanaeth-llysoeddem.gov.uk](http://www.gwasanaeth-llysoeddem.gov.uk)

Mae'r daflen hon yn esbonio beth y gallwch chi ei wneud os oes rhywun wedi cychwyn hawliad yn eich erbyn drwy lys sirol. Sonnir am daflenni eraill yn y daflen hon; mae'r rhain ar gael am ddim gan unrhyw lys sirol neu oddi ar ein gwefan [www.gwasanaeth-llysoeddem.gov.uk](http://www.gwasanaeth-llysoeddem.gov.uk)

**Cofiwch** mai ond syniad cyffredinol am beth sy'n debygol o ddigwydd sydd yn y daflen hon a thaflenni eraill. Does dim modd iddyn nhw esbonio popeth am reolau'r llys, y costau a'r trefniadau a all effeithio ar wahanol fathau o hawliad mewn gwahanol ffyrdd.

## **Beth ddylwn i wneud pan fydda i'n derbyn ffurflen hawliad?**

Peidiwch â'i hanwybyddu – gwnewch rywbeth yn gyflym. Dim ond hyn a hyn o amser sydd gennych i ymateb i'r hawliad. Os byddwch chi'n gwneud dim, gallai hynny olygu bod dyfarniad yn cael ei gofnodi yn eich erbyn heb i chi gael dim rhybudd pellach, ac o bosibl, bydd hynny'n ei gwneud hi'n anodd i chi gael credyd.

Yn gyntaf, edrychwch ar yr adran ar y ffurflen hawliad dan y pennawd 'Manylion yr Hawliad'. Os ysgrifennwyd y geiriau 'manylion yr hawliad i ddilyn' yn yr adran hon, **ddylech chi ddim ymateb** nes i chi eu derbyn (dylai hyn fod cyn pen 14 diwrnod i chi dderbyn y ffurflen hawliad). Os yw'r adran 'manylion yr hawliad' wedi'i llenwi neu os yw'n dweud bod manylion yr hawliad ynghlwm, **rhaid i chi ymateb cyn pen 14 diwrnod** o'r dyddiad y derbynioch chi'r ffurflen (y 'dyddiad cyflwyno'). Cofiwch bostio'ch ateb o leiaf 2 ddiwrnod cyn diwedd y cyfnod 14-diwrnod os ydych chi'n ei anfon drwy'r post.

Mae'n bwysig i hawlwyr a diffynyddion siarad â'i gilydd. Mae llawer o bobl o'r farn, unwaith fod proses hawlio wedi'i chychwyn, na ddylai unrhyw gyswllt ddigwydd rhwng y partion. Nid yw hyn yn wir. Er ei bod yn hanfodol eich bod yn ymateb i'r hawliad o fewn y cyfnod o 14 diwrnod, efallai y bydd o gymorth i chi – hyd yn oed yn awr – i gysylltu â'r hawlydd yn uniongyrchol er mwyn trafod sut y gallech chi ddatrys yr anghydfod.

## **Beth fydd yn digwydd os ydw i'n dewis gwneud dim?**

Mae'n bosibl y caiff dyfarniad ei gofnodi yn eich erbyn. Mae hyn yn golygu y bydd y llys yn gorchymyn i chi dalu swm yr hawliad (neu swm i'w bennu gan y llys) a'r costau. Bydd y llys yn anfon copi o'r gorchymyn atoch yn dweud faint sydd arnoch chi. Os cofnodir dyfarniad yn eich erbyn, mae'n bosibl y bydd eich enw a'ch cyfeiriad yn cael eu cofnodi ar y Gofrestr Dyfarniadau, Gorchmynion a Dirwyon. Mae'r diwydiant credyd (er enghraifft, banciau a chymdeithasau adeiladu) yn defnyddio gwybodaeth ar y Gofrestr i benderfynu ydy pobl yn deilwng o gael credyd ai peidio. Os yw eich enw ar y rhestr honno, gall hynny olygu y gwrthodir credyd i chi.

## **Sut mae ymateb i'r ffurflen hawliad?**

Anfonir 'Pecyn Ymateb' gyda'r ffurflen hawliad neu gyda manylion yr hawliad (os cyflwynwyd y ddau ar wahân). Mae hwn yn cynnwys yr holl ffurflenni y bydd eu hangen arnoch i ymateb i'r hawliad.

Mae gennych sawl dewis:

- talu'r swm a hawlir;
- addef y cyfan neu ran o'r hawliad neu atebolrwydd am yr hawliad, a gofyn i'r hawlydd am amser i dalu, neu gynnig setlo'r hawliad mewn rhyw ffordd arall;
- gwrthwynebu ('amddiffyn') yr hawliad;

- gwrthwynebu'r hawliad a chynnig datrys y mater heb fynd i wrandawriad llys.

Os ydy'r hawliad am swm penodol o arian bydd y pecyn ymateb yn cynnwys:

- Ffurflen N9 (cydnabyddiad cyflwyno);
- Ffurflen N9A (ffurflen addefiad); a
- Ffurflen N9B (ffurflen amddiffyn).

Os nad yw'r hawliad am swm penodol o arian ('swm amhenodol'), byddwch yn derbyn Ffurflen N9, Ffurflen N9C (ffurflen addefiad) a Ffurflen N9D (ffurflen amddiffyn).

**Cyn i chi lenwi unrhyw un o'r ffurflenni, dylech ddarllen y nodiadau i'r diffynnydd sydd ynghlwm wrth y ffurflen hawliad.**

**Mae'r arian yn ddyledus gennyf ac rwyf am ei dalu ar unwaith. Sut mae gwneud hyn?**

Anfonwch neu ewch â'r arian at yr hawlydd i'r cyfeiriad a ddangosir ar y ffurflen hawliad ar gyfer derbyn taliadau neu ddogfennau. (Efallai mai man busnes neu gartref yr hawlydd fydd hwn neu gyfeiriad y twrnai.) Mae'n syniad da gofyn am dderbynneg.

**Rhaid i chi wneud yn siwr bod eich taliad yn cyrraedd yr hawlydd cyn pen 14 diwrnod fan bellaf ar ôl i chi dderbyn manylion hawliad yr hawlydd. Os na wnewch chi hyn, efallai y bydd yr hawlydd wedi gofyn i'r llys gofnodi dyfarniad yn eich erbyn.**

Dangosir y swm o arian y dylech ei dalu yn y blwch ar gornel dde waelod tudalen flaen y ffurflen hawliad dan 'Cyfanswm'.

Os ydy'r hawlydd yn hawlio llog, bydd rhaid i chi **ychwanegu llog ddyddiol at y swm hwnnw.**

Dangosir y gyfradd llog ddyddiol ym 'manylion yr hawliad'. Rhaid i chi luosi'r gyfradd llog ddyddiol gyda

nifer y diwrnodau rhwng dyddiad cychwyn yr hawliad a dyddiad gwneud y taliad. Dangosir dyddiad cychwyn yr hawliad ar dudalen flaen y ffurflen hawliad.

## **Beth os ydw i'n addef bod yr arian yn ddyledus gennyf ond na alla'i fforddio talu'r cyfan yn awr?**

Os ydych chi'n addef bod yr arian yn ddyledus gennych, ond na allwch chi fforddio'i dalu i gyd ar unwaith, gallwch ofyn am amser i dalu.

Llenwch Ffurflen N9A. Rhowch yr holl fanylion am eich incwm a'ch costau y gofynnir amdanynt a dywedwch sut yr hoffech chi dalu. Efallai y byddwch eisiau cysylltu â'r hawlydd neu dwrnai'r hawlydd wrth lenwi'r ffurflen i drafod cynnig i dalu a fyddai'n dderbyniol.

Anfonwch neu ewch â Ffurflen N9A at yr hawlydd i'r cyfeiriad a ddangosir ar y ffurflen hawliad ar gyfer derbyn taliadau neu ddogfennau. Cadwch un copi i chi'ch hun. Mae'r daflen - **EX309 - Mae'r diffynnydd yn addef i fy hawliad – fe hawliais swm penodol o arian** – yn esbonio beth all ddigwydd nesaf.

Os bydd yr hawlydd yn derbyn eich cynnig i dalu fesul tipyn, rhaid i chi:

- dalu'r rhandaliadau'n rheolaidd. Os na wnewch chi hynny, mae'n bosibl y cymerir eich nwyddau a'u gwerthu neu efallai y gwneir gorchymyn sy'n effeithio ar eich incwm neu'ch eiddo.
- roi gwybod i'r llys os ydych chi'n cael trafferth talu'n rheolaidd; er enghraifft os byddwch chi'n colli'ch gwaith. Bydd staff y llys yn gallu dweud wrthy'ch beth allwch chi wneud er mwyn atal rhagor o gostau rhag cael eu hychwanegu at y swm sydd arnoch chi eisoes.

## **Rwy'n addef i'r hawliad am swm amhenodol – beth ddylwn i wneud?**

Os ydy'r hawliad am swm amhenodol o arian, - sef swm sydd heb ei bennu - dylech lenwi Ffurflen N9C a'i hanfon i'r llys. Gelwir hyn yn 'addef atebolrwydd' (cyfrifoldeb) am dalu.

Fe allwch chi:

- addef atebolrwydd am yr hawliad heb ddweud faint rydych chi'n ei addef; neu
- addef atebolrwydd am yr hawliad a chynnig swm penodol o arian i'w setlo, neu
- addef atebolrwydd am yr hawliad, cynnig swm penodol o arian i'w setlo a gofyn am dalu'r swm hwnnw fesul tipyn neu rywbryd yn y dyfodol.

Gallwch gysylltu â'r hawlydd neu dwrnai'r hawlydd i drafod swm o arian neu amserlen dalu a allai fod yn dderbyniol.

Bydd y llys yn anfon copi o'ch ffurflen addefiad at yr hawlydd. Mae'r daflen **EX308 - Mae'r diffynnydd yn addef i fy hawliad – ni hawliais swm penodol o arian** – yn esbonio beth all ddigwydd nesaf.

## **Rwyf am amddiffyn yr hawliad – beth ddylwn i wneud?**

P'un ai am swm penodol ynteu am swm amhenodol y mae'r hawliad, cewch chi naill ai:

- lenwi'r Ffurflen N9 (cydnabyddiad cyflwyno); neu
- lenwi'r Ffurflen N9B (os yw'r hawliad am swm penodol) neu Ffurflen N9D (os yw'r hawliad am swm amhenodol).

Pa ffurflen bynnag y byddwch chi'n ei llenwi, rhaid i chi wneud yn siwr eich bod yn mynd â hi neu'n ei hanfon i'r llys (gelwir hyn yn 'ffeilio') cyn pen 14 diwrnod fan bellaf ar ôl i chi dderbyn manylion hawliad yr hawlydd. Os na wnewch chi hyn, gall yr hawlydd ofyn i'r llys gofnodi dyfarniad, sef, gwneud

gorchymyn i chi dalu'r swm a hawlir, neu eich bod yn atebol am dalu swm sydd i'w bennu gan y llys.

Pan fyddwch chi'n llenwi'r ffurflen amddiffyn, cofiwch ddilyn pob cyfarwyddyd sydd arni. Mae hyn yn bwysig, yn enwedig os yw'r hawliad am swm amhenodol.

Er enghraifft, os na fyddwch chi'n ateb pob pwynt a godir ('honiadau') ym manylion yr hawliad, tybir eich bod yn addef iddynt.

### **Pam ffeilio cydnabyddiad cyflwyno yn hytrach na ffurflen amddiffyniad?**

Mae ffeilio cydnabyddiad cyflwyno'n rhoi mwy o amser i chi geisio cyngor a chwblhau eich amddiffyniad. Os byddwch chi'n ffeilio cydnabyddiad cyflwyno cyn pen 14 diwrnod i chi dderbyn manylion yr hawliad, mae hyn yn ymestyn yr amser sydd gennych i ffeilio amddiffyniad i 28 diwrnod o ddyddiad cyflwyno manylion yr hawliad.

Os byddwch chi'n amddiffyn yr hawliad, mae'n bosibl y caiff ei drosglwyddo i'ch llys lleol, h.y. yr un agosaf at le rydych chi'n byw neu'n cynnal busnes, os yw'n wahanol i'r llys a ddangosir ar ben y ffurflen hawliad.

### **Beth os ydw i'n dadlau yn fy amddiffyniad fy mod i eisoes wedi talu'r swm a hawlir?**

Dylech ddal i lenwi'r ffurflen amddiffyniad N9B a'i hanfon i'r llys. Anfonir copi at yr hawlydd a gofynnir i hwnnw/honno roi gwybod i chi a'r llys:

- a yw'n cytuno bod yr arian wedi'i dalu ac na fydd y mater yn mynd ddim pellach; neu
- os nad yw'n derbyn bod yr arian wedi'i dalu, a ddylai'r hawliad fynd yn ei flaen fel hawliad a amddiffynnir.

Rhaid i'r hawlydd ymateb cyn pen 28 diwrnod ar ôl derbyn hysbysiad gan y llys am eich amddiffyniad.

Os gwnaethoch chi dalu'r arian ar ôl dyddiad cychwyn yr hawliad (a ddangosir ar y ffurflen hawliad), caiff yr hawlydd ddal i hawlio ffi'r llys ac unrhyw swm o gostau'r twrnai, a ddangosir ar y ffurflen hawliad. Dylech anfon yr arian yn syth at yr hawlydd.

## **Mae ar yr hawlydd arian i mi – beth alla'i wneud?**

Os oes ar yr hawlydd arian i chi a'ch bod yn dymuno hawlio'r arian hwnnw, gallwch wneud hynny drwy ddefnyddio'r ffurflen amddiffyniad. Gelwir hyn yn 'wneud gwrth-hawliad'. Llenwch yr adran briodol o'r ffurflen ac ewch â hi neu anfonwch hi i'r llys. Efallai y bydd rhaid i chi dalu ffi am wneud y gwrth-hawliad. Gall staff y llys ddweud wrthyh faint fydd hyn.

Os na fyddwch yn talu'r ffi neu'n gwneud cais llwyddiannus am gael eich esemptio o dalu'r ffi neu am ddileu'r ffi, bydd eich gwrth-hawliad yn cael ei 'ddileu' sy'n golygu na fyddai modd i chi fwrw ymlaen ag ef. Mae taflen EX160A yn egluro mwy ynghylch gwneud cais am gael eich esemptio rhag talu ffi neu ddileu ffi.

## **Mae arna'i rywfaint o arian, ond nid cymaint â'r swm a hawlir**

Os ydych chi'n cytuno bod arnoch chi rywfaint o arian, ond llai na'r swm a hawlir, gelwir hyn yn 'wneud addefiad rhannol'. Llenwch Ffurflen N9A a Ffurflen N9B, gan ddweud faint sydd arnoch chi a pham eich bod chi o'r farn nad oes arnoch chi fwy na hynny. Anfonwch y ddwy ffurflen **i'r llys** cyn pen 14 diwrnod i chi dderbyn manylion hawliad yr hawlydd a chyn pen 28 diwrnod os ydych chi wedi ffeilio cydnabyddiad cyflwyno.

Cewch naill ai dalu'r swm y cytunwch sydd arnoch chi i'r hawlydd ar unwaith, neu cewch chi ofyn am amser i dalu naill ai fesul tipyn neu rywbryd yn y dyfodol.



Anfonir copïau o'r ffurflenni at yr hawlydd yn gofyn a yw'n derbyn eich addefiad rhannol fel setliad llawn a therfynol o'r hawliad ac os nad yw, a ddylai'r hawliad fynd yn ei flaen fel un a amddiffynnir. Rhaid i'r hawlydd ymateb i chi a'r llys o fewn 14 diwrnod ar ôl derbyn eich addefiad rhannol.

Os yw'r hawliad am swm amhenodol, defnyddiwch Ffurflen N9D os ydych chi am amddiffyn yr hawliad neu wneud gwrth-hawliad.

## **Alla i ddefnyddio'r Rhyngrwyd i ymateb i'r hawliad?**

Os cychwynnwyd yr hawliad yn eich erbyn yn electroneg dan enw Llys Sirol Northampton gallwch ymateb i'r llys drwy ddefnyddio'r gwasanaeth Rhyngrwyd Money Claim Online (MCOL). Yr oll sydd angen i chi ei wneud yw mynd i'r wefan [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk). Cynlluniwyd MCOL i fod yn hawdd ei ddefnyddio ac mae cymorth ar gael bob cam os oes angen. Os ydych chi'n defnyddio'r Rhyngrwyd i ymateb i'r hawliad **rhaid i chi ymateb cyn pen 14 diwrnod** ar ôl i chi dderbyn yr hawliad hwnnw.

## **Fydd rhaid i mi fynd i'r llys?**

Os byddwch chi'n amddiffyn yr hawliad, neu os na allwch chi a'r hawlydd gytuno i chi dalu fesul tipyn, mae'n bosibl y bydd rhaid i chi fynd i'r llys. Ond hyd yn oed yn ystod y cam hwn, mae yna gyfle i chi o hyd gytuno ar setliad gyda'r hawlydd.

Cyn cychwyn yr hawliad yn eich erbyn, dylai'r hawlydd fod wedi ystyried yn ofalus ddulliau eraill o ddatrys yr anghydfod. Mae'r daflen **EX301 Yn gwneud hawliad? Ambell gwestiwn i chi ofyn i chi eich hun** yn egluro rhai o'r opsiynau eraill sydd ar gael. Efallai y rhoddwyd cynnig ar hyn ac na fu'n llwyddiannus. Fodd bynnag, os na wnaed unrhyw ymdrech, efallai nad yw'n rhy hwyr i chi awgrymu i'r

hawlydd y byddech yn fodlon datrys y mater heb fynd i'r llys. Os hoffech wneud hynny, dylech gysylltu â'r hawlydd neu dwrnai'r hawlydd yn ddi-oed.

### **Sut fydd y llys yn ymdrin â'r hawliad?**

Ymdrinnir â'r rhan fwyaf o hawliadau am £5,000 neu lai drwy'r 'trac hawliadau bychain'. Ond, fodd bynnag, os yw eich hawliad am lai na £5,000, ond yn cynnwys hawliad am anaf personol, neu am ddiffyg sy'n ymwneud ag eiddo preswyl a iawndaliadau'n codi o'r diffyg hwnnw, ni fydd eich achos yn cael ei drin yn ('yn cael ei ddyrannu i') y trac hawliadau bychain, oni bai fod y symiau a hawlir am anaf personol, diffygion atgyweirio a iawndal yn ddim mwy na £1,000 yr un. Mae'r daflen **EX307 - Y trac hawliadau bychain** – yn esbonio mwy am ddyrannu hawliadau i'r trac hawliadau bychain a sut mae'n nhw'n cael eu trin.

Gan amlaf, ymdrinnir â hawliadau am dros £5,000 yn y 'trac cyflym' neu'r drefn 'aml-drac'. Mae taflenni ar gael sy'n esbonio am y ddau drac hyn.

### **Beth fydd yn digwydd os nad ydw i'n talu?**

Os bydd y llys yn anfon gorchymyn i dalu atoch, a chithau'n peidio â thalu, gall yr hawlydd ofyn i'r llys gymryd camau i'ch gorfodi i dalu (gelwir hyn yn 'orfodi'r dyfarniad'). Er enghraifft, mae'n bosibl y bydd beiliaid y llys (sy'n swyddogion llys) yn cymryd eitemau sy'n eiddo i chi, neu y bydd yr hawlydd yn gofyn i'r llys orchymyn i'ch cyflogwr dynnu arian o'ch cyflog.

### **Ddylwn i weld twrnai?**

Fydd y rhan fwyaf o bobl sy'n wynebu hawliadau am swm penodol o arian ddim yn defnyddio twrneiod. Hefyd, os byddwch chi'n amddiffyn yr hawliad a'i fod yn cael ei ddyrannu i'r trac hawliadau bychain, mae trefn y gwrandawiadau'n llai ffurfiol a chewch fynd â rhywun gyda chi i'r gwrandawriad llys i siarad ar eich rhan. Gelwir y person hwn yn 'gynrychiolydd lleyg', a gall fod yn gymar, yn berthynas, yn ffrind neu'n weithiwr cynghori.

Os ydy'r hawliad am fwy na £5,000, neu'n cynnwys hawliad am anaf personol, mae'n siwr mai'r peth doethaf fyddai ceisio cyngor twrnai.

## **Rhagor o gymorth a chyngor**

Gall staff y llys rhoi arweiniad i chi ar drefn y llys a rhoi ffurflenni i chi ar gyfer y broses y penderfynwch roi cychwyn arni. Ond allan nhw ddim rhoi cyngor cyfreithiol i chi. Er enghraifft, allan nhw ddim dweud wrthyhych beth ddylech chi ei wneud neu a ydy eich amddiffyniad chi'n un da ai peidio. I gael gwybodaeth, cymorth a chyngor cyfreithiol yn rhad ac am ddim, cysylltwch â'r Gwasanaeth Cyfreithiol Cymunedol Uniongyrchol ar 0845 345 4345 neu [www.clsdirect.org.uk](http://www.clsdirect.org.uk). Gallwch hefyd gael cyngor cyfreithiol am ddim gan ganolfan gyfraith, Canolfan Cyngor ar Bopeth neu ganolfan cyngor i ddefnyddwyr.

Rhaid i chi ddweud wrth y llys os nad yw eich cyfeiriad yn gywir. Os byddwch chi'n symud tŷ tra bo'r achos yn dal i fynd yn ei flaen, rhowch wybod i'r llys.

I gael gwybodaeth gyfreithiol, cymorth a chyngor yn rhad ac am ddim, cysylltwch â'r Gwasanaeth Cyfreithiol Cymunedol Uniongyrchol ar 0845 345 4345 neu [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

## **Pa gymorth ychwanegol sydd ar gael i ddefnyddwyr y llys sydd ag anabledd?**

Os oes gennych anabledd sy'n golygu bod mynd i'r llys neu gyfathrebu'n anodd, cysylltwch â Swyddog Gwasanaeth Cwsmeriaid y llys perthnasol. Efallai y bydd yn gallu'ch helpu. Os na all Swyddog Gwasanaeth Cwsmeriaid y llys eich helpu, fe allwch gysylltu gyda Llinell Gymorth Anabledd ar 0800 358 3506 rhwng 9am a 5pm o ddydd Llun i ddydd Gwener. Gallwch ffonio'r rhif hwn am ddim. Os ydych chi'n fyddar neu'n drwm eich clyw, gallwch ddefnyddio'r gwasanaeth Minicom ar 0800 212 368.





GWASANAETH  
LLYSOEDD EI MAWRHYDI  
**hmcs**  
HER MAJESTY'S  
COURTS SERVICE

**EX303**

A claim has been made against me -  
what should I do?

A claim has been made  
against me

What should I do?

[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

This leaflet explains what you can do if someone has issued a claim against you through a county court. Other leaflets are mentioned in the text; these are free from any county court.

**Remember** that this and other leaflets can only give you a general idea of what is likely to happen. They cannot explain everything about court rules, costs and procedures which may affect different types of claim in different ways.

## **What should I do when I receive a claim form?**

Do not ignore it - act quickly. You have only a limited time in which to reply to the claim. If you do nothing, it could result in judgment being entered against you without further notice, which could make it difficult for you to obtain credit.

First check the section of the claim form headed 'Particulars of Claim'. If the words 'particulars of claim to follow' are written in this section, **you should not reply** until you receive them (this should be within 14 days of receiving the claim form). If the 'particulars of claim' section is completed or indicates that the particulars of claim are attached, **you must reply within 14 days** of the date you received it (the 'date of service'). Remember to post your reply at least 2 days before the end of the 14-day period if you are sending it by post.

It is important that claimants and defendants talk to each other. Many people think that once a claim process has begun, there should be no contact between parties. That is not the case. Although it is essential that you reply to the claim within the 14 day deadline, you may still find it helpful - even at this stage - to contact the claimant direct in order to discuss how you might settle the dispute.

## **What will happen if I do nothing?**

Judgment may be entered against you. This means that you will be ordered to pay the amount of the claim (or an amount to be decided by the court) and costs. The court will send you a copy of the order saying how much you owe. If judgment is entered against you, your name and address may be entered on the Register of Judgments, Orders and Fines. The credit industry (for example, banks and building societies) use information on the Register to establish people's credit worthiness. If your name is on the list it could lead to you being refused credit.

## **How do I reply to the claim form?**

A 'Response Pack' will be sent with the claim form or with the particulars of claim (if they were served separately). It contains all the forms you will need to reply to the claim.

You have a number of choices:

- pay the amount claimed;
- admit all or part of the claim or liability for the claim, and ask the claimant for time to pay, or offer to settle the claim in some other way;
- dispute ('defend') the claim;
- dispute the claim and offer to sort the matter out without going to a court hearing.

If the claim is for a fixed amount of money (a 'specified amount'), the response pack will contain:

- Form N9 (acknowledgment of service);
- Form N9A (admission form); and
- Form N9B (defence form).

If the claim is not for a fixed amount of money (an 'unspecified amount'), you will receive a Form N9, Form N9C (admission form) and Form N9D (defence form)

**Before you complete any of the forms you should read the notes for defendant attached to the claim form.**

**I owe the money and want to pay it straightaway. How should I do this?**

Send or take the money to the claimant at the address shown on the claim form for payments or documents. (This might be the claimant's place of business, residence or solicitor's address.) It is a good idea to ask for a receipt.

**You must make sure that your payment arrives with the claimant no later than 14 days after you received the particulars of the claimant's claim. If you do not, the claimant may have requested the court to enter judgment against you.**

The amount of money which you should pay is shown in the box on the bottom right-hand corner of the front of the claim form under 'Total amount'.

If the claimant is claiming interest, you will have to **add daily interest to that amount.** The daily rate of interest is shown in the 'particulars of claim'. You multiply the daily rate of interest by the number of days between the date the claim was issued and the date you make the payment. The date of issue is shown on the front of the claim form.

**What can I do if I admit I owe the money but cannot afford to pay it all now?**

If you admit that you owe the money, but cannot afford to pay it all at once, you can ask for time to pay.



Fill in Form N9A. Give all the details about your income and expenses it asks for and say how you would like to pay. You may want to contact the claimant or claimant's solicitor when completing the form to discuss a payment proposal that would be acceptable.

Take or send Form N9A to the claimant at the address shown on the claim form for payments or documents. Keep a copy for yourself. The leaflet **EX309 - The defendant admits my claim - I claimed a fixed amount of money** - explains what may happen next.

If the claimant accepts your offer to pay by instalments you must:

- keep up instalment payments. If not your goods may be taken away and sold, or a court order may be made affecting your income or property
- let the court know if you are having trouble keeping up the payments; for example, if you lose your job. Court staff will be able to tell you what you can do to prevent further costs being added to what you already owe.

### **I admit the claim for an unspecified amount - what do I do?**

If the claim is for an unspecified amount of money - that is for an amount that is not a fixed amount - you should complete Form N9C and send it to the court. This is called 'admitting liability' (responsibility) for payment.

You may:

- admit liability for the claim without saying how much is admitted; or
- admit liability for the claim and offer a fixed sum of money to settle it; or

- admit liability for the claim, offer a sum of money to settle it and ask to pay that sum by instalments or at a future date.

You can contact the claimant or claimant's solicitor to discuss a sum of money or payment schedule that might be acceptable.

The court will send a copy of your admission form to the claimant. The leaflet **EX308-The defendant admits my claim - I did not claim a fixed amount of money** - explains what may happen next.

## **I want to defend the claim - what do I do?**

Whether the claim is for a specified or an unspecified amount, you may either:

- complete the Form N9 (acknowledgment of service); or
- complete the Form N9B (if the claim is for a specified amount) or Form N9D (if the claim is for an unspecified amount).

Whichever form you complete, you must make sure that it is taken or sent to the court (called 'filing') no later than 14 days from the date the particulars of claim were served on you. If you do not, the claimant can ask the court to enter judgment, that is, make an order that you pay the amount claimed, or that you are liable to pay an amount to be decided by the court.

When you complete the defence form, be sure that you follow all the instructions on it. This is important, especially if the claim is for an unspecified amount.

For example, if you do not answer all the points raised ('allegations') in the particulars of claim, it will be assumed that you admit them.

## **Why would I file an acknowledgment of service rather than a defence form?**

Filing the acknowledgment of service allows you more time in which to seek advice and complete your defence. If you file an acknowledgment of service within 14 days of service of the particulars of claim, this extends the time for filing a defence to 28 days from service of the particulars of claim.

If you defend the claim, it may be transferred to your a local court, i.e. the one nearest to where you live or carry on business, if different from the court shown at the top of the claim form.

## **What if my defence is that I have already paid the amount claimed?**

You should still fill in the defence form N9B and send it to the court. A copy will be sent to the claimant who will be asked to let you and the court know whether:

- it is agreed that the money has been paid and the matter will not be taken further; or
- if it is not accepted that the money has been paid, that the claim should continue as a defended claim.

The claimant must respond within 28 days of receiving the court's notice of your defence.

If you paid the money after the date of issue (shown on the claim form), the claimant may still claim for the court fee and any amount of solicitor's costs, shown on the claim form. You should send the money direct to the claimant.

## **The claimant owes me money - what can I do?**

If you are owed money by the claimant and want to claim this, you can do so by using the defence form. This is called 'making a counterclaim'. Complete the appropriate section of the form and send or take it to the court. You may have to pay a fee for making the counterclaim. Court staff can tell you how much this is.

If you do not pay the fee or make a successful application for exemption or remission of the fee, your counterclaim will automatically be 'struck out' which means that you could not proceed with it. Leaflet EX160A explains more about making an application for exemption or remission of a fee.

## **I do owe some money, but not as much as the amount claimed**

If you agree that you do owe some money, but less than is being claimed, this is called 'making a part admission'. Fill in Form N9A **and** Form N9B, saying how much you do owe and why you consider you do not owe any more than that. Send both forms **to the court** within 14 days of service of the claimant's particulars of claim and 28 days if you filed an acknowledgment of service.

You can either pay the amount you agree that you owe to the claimant immediately, or you can ask for time to pay either by instalments or at some future date. Copies of the forms will be sent to the claimant asking whether your part admission is accepted in full and final settlement of the claim or whether it is not and the claim should proceed as defended. The claimant must reply to you and the court within 14 days of receiving your part admission.

If the claim is for an unspecified amount use Form N9D if you want to defend the claim or make a counterclaim.

## **Can I use the Internet to respond to the claim?**

If the claim against you has been issued electronically in the name of Northampton County Court you may respond to the court using the Money Claim Online (MCOL) Internet service. Simply log on to [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) MCOL is designed to be easy to use and has help at each stage that you can call up if required. If you use the Internet to respond to the claim **you must still reply within 14 days** of the date you received it.

## **Will I need to go to court?**

If you defend the claim, or if you and the claimant cannot agree about paying the instalments, you may have to go to court. But even at this stage, there is still opportunity for you and the claimant to agree a settlement.

Before issuing the claim against you, the claimant should have actively considered other ways of settling the dispute. The leaflet **EX301 Making a claim? Some questions to ask yourself** explains some of the alternatives available. It may be that this was tried and was unsuccessful. However, if no attempt was made, it may not be too late for you to suggest to the claimant that you would be willing to resolve the issue without going to court. If you would like to do this, you should contact the claimant or the claimant's solicitor without delay.

## **How will the claim be dealt with in court?**

Most claims for £5,000 or less are dealt with in what is called the 'small claims track'. If, however, your claim is for less than £5,000, but includes a claim for personal injury, or for housing disrepair to residential premises and damages arising from the disrepair, your case will not be dealt with in ('allocated to') the small claims track unless the amounts claimed in respect of personal injury, disrepair and damages are each no

more than £1,000. The leaflet **EX307 - The small claims track** - explains more about the allocation of claims to the small claims track and how they are handled.

Claims of more than £5,000 are generally dealt with differently in either the 'fast track' or the 'multi-track'. Leaflets are available which explain about these two tracks.

## **What happens if I do not pay?**

If the court sends you an order to pay, but you do not, the claimant can ask the court to take steps to make you pay (this is called 'enforcing the judgment'). For example, court bailiffs (who are court officials) might remove items belonging to you, or the claimant might ask the court to order your employer to take money from your earnings.

## **Should I see a solicitor?**

Most people who have claims made against them for a fixed sum of money do not use solicitors. Also, if you defend the claim and it is allocated to the small claims track, hearings are designed to be less formal and you may take someone to the court hearing to speak on your behalf. This person is called a 'lay representative' and may be a spouse, relative, friend or an advice worker.

If the claim is for more than £5,000 or includes a claim for personal injury, it is probably advisable to seek the advice of a solicitor.

## **Further help and advice**

Court staff can guide you on court procedures and give you the forms for the process that you decide to start. But they cannot give you legal advice. For example, they cannot tell you what you should do or if you have a good defence. For free legal information, help and advice contact Community Legal Service Direct on 0845 345 4345 or

[www.clsdirect.org.uk](http://www.clsdirect.org.uk). You may also be able to get free legal advice from a law centre, a Citizens Advice Bureau or a consumer advice centre.

You must tell the court if your address is not correct. If you move while the case is still going on, let the court know.

For free legal information, help and advice contact Community Legal Service Direct on 0845 345 4 345 or [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

### **What additional help is available for court users with a disability?**

If you have a disability which makes going to court or communicating difficult, please contact the Customer Service Officer of the court concerned who may be able to help you. If the Customer Service Officer of the court cannot help you, you can contact the Disability Helpline on 0800 358 3506 between 9am and 5pm Monday to Friday. Calls to this number are free. If you are deaf or hard of hearing, you can use the Minicom service on 0191 478 1476.

**EX303** A claim has been made against me (04.06)

HMCS